

Notice of Allowability

Application No.

10/730,269

Examiner

Carl H. Layno

Applicant(s)

WESTLUND ET AL.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Papers filed 1/12/2006.
2. ☒ The allowed claim(s) is/are 38-41, 43 and 44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment and 3-month extension of time, which were received by the Office on January 12, 2006.

2. Claims 1-37 are canceled. Claims 38-44 have been added.

Specification

3. In view of the applicant's modifications to the specification, the Examiner is withdrawing the objection, which was made against the specification in the last Office action.

Claim Rejections - 35 USC § 102

4. In view of applicant's claim cancellation, the Examiner is withdrawing the 35 U.S.C 102(b) rejection of Otten '439 or Spehr et al '433, which was made against claim 1 in the last Office action.

Double Patenting

5. In view of applicant's cancellation of claim 1, the Examiner is also withdrawing the statutory double patenting rejection (35 U.S.C 101), which was made against this claim in the last Office Action.

Allowable Subject Matter

6. Claims 38-41, 43, and 44 are allowed. See Examiner's Amendment below.

Examiner's Amendment

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roland McAndrews on March 10, 2006.

8. The application has been amended as follows:
- Line 1 of claims 38-41, 43, and 44, after each claim number, please insert the status identifier "(New)", and
 - Cancel claim 42 (claim 42 was substantially the same as claim 43).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Westlund et al (US 6,671,560) patent, applicant's parent application, was considered for double-patenting purposes but not found to be applicable since it differed by failing to specify in its claim language the use of an expandable "braided mesh material" in its removal wire.

The Gambale (US 5,365,944) patent describes a guidewire having a pertinent frictional engagement structure at its distal end (Figs.4-6). Unlike applicant's device, that of Gambale is not used for engaging the lumen of an intravenous lead, but rather for frictional engagement to another guidewire as an extension. Additionally, the reference does not disclose the use of an expandable "braided mesh material" in a removal wire.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (571) 272-4949. The examiner can normally be reached on 9/4/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, reading "Carl H. Layno", is written over a solid horizontal line.

CARL LAYNO
PRIMARY EXAMINER

CHL

3/10/2006